



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100, BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JUN 27 2011

Scott Alfonse, Director
City of New Bedford
Department of Environmental Stewardship
133 William Street
New Bedford, Massachusetts 02740

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c) and § 761.79(h)
New Bedford High School, New Bedford, Massachusetts

Dear Mr. Alfonse:

This is in response to the City of New Bedford Notification¹ (the City) to address PCB-contaminated materials located inside the New Bedford High School (NBHS), Hathaway Boulevard, New Bedford, Massachusetts (the Site).

Under the *August 31, 2005 Approval for Risk-Based PCB Cleanup and Disposal under 40 CFR § 761.61(c)* for McCoy Field, the City was required to assess the potential PCB contamination at the New Bedford High School property. The Approval required the City to conduct an assessment of potential PCB contamination both indoors and outdoors and to submit a cleanup plan for EPA review and approval if PCBs regulated under the federal PCB regulations at 40 CFR Part 761 were identified. Efforts to-date pertaining to the indoor assessment have been documented in the following Reports:

- Report of Findings. New Bedford High School – Indoor Polychlorinated Biphenyls Sampling, November 2006
- Report on Cleaning of Air Handling Systems, Ductwork, and Surfaces – New Bedford High School, February 2008
- Report of Findings, New Bedford High School Polychlorinated Biphenyls Source/Sink Sampling Program, October 2008

¹ Information was submitted on your behalf by TRC to satisfy the notification requirement under 40 CFR §§ 761.61(a)(3) and (c). Information was provided dated March 2011 (Removal and Abatement Plan) and June 17, 2011 (Response to EPA Comments). These submittals will be referred to as the "Notification."

- Report of Findings Addendum, New Bedford High School Polychlorinated Biphenyls Quasi-Random Bulk Material Sampling Program, May 2009
- John Mulhall (TRC Environmental) to Kimberly N. Tisa (EPA) Fluorescent Light Ballast Survey, February 7, 2011

These reports indicate that PCBs are present at greater than ($>$) 1 part per million (ppm) in various building materials.

In your Notification, the City has proposed the following PCB abatement activities:

- Removal of greater than or equal to (\geq) 50 ppm PCB paint (via chemical stripping) located on exterior structural concrete walls located in rooms B-230, A-211-3, and A-213-4;
- Encapsulation of the exterior structural concrete walls located in room B-230, A-211-3, and A-213-4 with paint and a new "false" wall in the event the PCB cleanup standard of less than or equal to (\leq) 1 ppm cannot be met;
- Removal and disposal of approximately 1,320 polyurethane foam seats in the main auditorium as a less than ($<$) 50 ppm PCB waste in a non-hazardous waste landfill; and,
- Removal and disposal of PCB ballasts and approximately 2,946 fluorescent light fixtures as a \geq 50 ppm PCB waste.

The City has determined that some of the building materials, such as window caulk and glazing, which have PCB concentrations at < 50 ppm are *Excluded PCB Products*. Under the PCB regulations, *Excluded PCB Products* are authorized for use and thus there is no requirement for removal of these building materials or for decontamination of surfaces that are in contact with these building materials. Due to the location of many of the identified *Excluded PCB Products* (e.g., floor tile mastic, exterior window and door caulk, and cove base mastic) there is limited potential for direct exposure to building users. In the event the City determines that PCB-contaminated building materials with < 50 ppm do not meet the definition of an *Excluded PCB Product*, the City shall notify EPA and shall submit a plan to address cleanup of these materials.

With the exception of the proposed verification sampling for *porous surfaces* (i.e., concrete walls and plywood backing in the auditorium seats), the Notification meets the requirements and standards established under § 761.61(a), § 761.62, and § 761.79 for cleanup and disposal of *PCB remediation waste* and *PCB bulk product waste*.

The City has proposed a deviation from the verification sampling requirements specified under § 761.61(a)(6). EPA has determined that the alternative sampling plan and verification sampling frequency will be sufficient to confirm that PCB cleanup standards have been met and will not create an unreasonable risk to public health or the environment. EPA may approve the alternative sampling plan and verification sampling frequency under § 761.61(c).


The City may proceed with its project in accordance with 40 CFR §§ 761.61 (a) and (c); § 761.62(a); § 761.79(h); its Notification; and, this Approval, subject to the conditions of Attachment 1. EPA expects that additional indoor air sampling will be conducted upon completion of the PCB abatement work.

In the event that *porous surfaces* (i.e., structural concrete walls) cannot be decontaminated to the PCB cleanup standard of ≤ 1 ppm and encapsulation is implemented, the City will be required to establish a deed restriction for the walls. (See Attachment 1, Condition 20). Please be aware that this Approval reserves EPA's rights to require additional cleanup and/or mitigation methods should the encapsulation not be effective in eliminating exposure to PCBs.

This Approval does not release the City from any applicable requirements of federal, state or local law, including those requirements under the Massachusetts Department of Environmental Protection (MassDEP) regulations.

EPA will not consider this particular project complete until it has received all submittals required under this Approval. Should you have any questions on this matter, please contact Kimberly Tisa at (617) 918-1527.

Sincerely,



James T. Owens III, Director
Office of Site Remediation & Restoration

Attachment 1 – Approval Conditions

Attachment 2 – SOP for Sampling Porous Surfaces for PCBs

cc: C. Henlin, City of New Bedford
D. Sullivan, TRC
M. Cote, MassDEP
Health Department
File

ATTACHMENT 1

PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS NEW BEDFORD HIGH SCHOOL HATHAWAY BOULEVARD, NEW BEDFORD, MASSACHUSETTS

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB Bulk product waste* and *PCB remediation waste* identified in the Notification.
 - a. This Approval does not address PCB-contaminated building materials that have been identified by the City of New Bedford (the City) as *Excluded PCB Products*. In the event the City determines that PCB-contaminated building materials with less than (<) 50 ppm do not meet the definition of an *Excluded PCB Product*, the City shall notify EPA and shall submit a plan to address cleanup of these materials.
2. The City shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the activities described in the Notification differ from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The City must comply with all applicable federal, state and local regulations, including the storage, handling, and disposal of all PCB wastes, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during the decontamination activities, the City shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. The City is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the City has or receives information indicating that it or any other person has failed, or may have failed, to comply with any provision of this Approval, the City must report the information to EPA in writing within 24 hours of having or receiving the information.

7. This Approval does not constitute a determination by EPA that the selected transporters or disposal facilities are authorized to conduct the activities set forth in the Notification. The City is responsible for ensuring that the selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the City from compliance with any applicable requirements of federal, state or local law; or 3) release the City from liability for, or otherwise resolve, any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification of the City's acceptance of the conditions of this Approval within 10 business days of receipt.
10. The City shall notify EPA in writing of the scheduled date of commencement of on-site activities at least 3 business days prior to conducting any work under this Approval.
11. Prior to initiating onsite work under this Approval, the City shall submit the following information for EPA review and/or approval:
 - a. a certification signed by its selected abatement contractor, stating that the contractor has read and understands the Notification, and agrees to abide by the conditions specified in this Approval; and,
 - b. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the analytical and quality assurance requirements specified in the Notification and in this Approval.

REMEDIAL and DISPOSAL CONDITIONS

12. PCB-contaminated materials shall be decontaminated and confirmatory sampling and analysis shall be conducted as described below:
 - a. All visible residues of PCB-contaminated paint (i.e., *PCB bulk product waste*) shall be removed as described in the Notification.

- b. The decontamination standard for *porous surfaces* shall be less than or equal to (\leq 1 part per million (ppm) PCBs.
- i) Exterior structural concrete walls (Rooms B-230; A-211-3; A-213-4)
- (1) All post-decontamination verification sampling of *porous surfaces* shall be performed on a bulk basis (e.g., mg/Kg). Post-abatement confirmatory samples shall be collected in accordance with the EPA Region 1 *Standard Operating Procedure For Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4*, dated May 5, 2011, to a maximum depth of 0.5 inches and at the frequency described in the Notification (i.e. a minimum of 3 samples per room).
 - (2) In the event that *porous surfaces* cannot be decontaminated to the standard of ≤ 1 ppm, the encapsulation alternative, as described in the Notification shall be implemented. If this alternative is implemented, the City will be required to establish a deed restriction for the encapsulated areas (see Condition 20).
- ii) Main Auditorium Seats
- (1) For the cleanup/decontamination activities associated with the auditorium seats, the initial minimum confirmatory sampling frequency for decontaminated seats (i.e. sampling of the plywood seat following removal of the polyurethane foam) shall be 1 bulk sample (i.e., mg/Kg) and 1 wipe sample (i.e., $\mu\text{g}/100\text{ cm}^2$) per every 10 seats for the first 100 seats (20 samples total). The bulk sample and wipe sample shall be collected from the same seat for comparison purposes.
 - (a) Bulk samples shall be collected using the EPA Region 1 *Standard Operating Procedure For Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4*, dated May 5, 2011, to a maximum depth of 0.5 inches and wipe sampling shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e. $\mu\text{g}/100\text{ cm}^2$).
 - (b) If **all** PCB initial sampling results are ≤ 1 ppm for bulk samples and $\leq 1\text{ }\mu\text{g}/100\text{ cm}^2$ for wipe samples, the City may use the following alternative verification sampling procedure and frequency for the remainder of the project. The alternative scheme requires, at a minimum, the collection of at least 1 verification wipe sample per every 50 seats.

- (c) In the event **any** wipe surface area sample that is collected using the alternative sampling scheme is greater than ($>$) the PCB cleanup standard of $1 \mu\text{g}/100 \text{ cm}^2$, the City shall contact EPA for a determination on the appropriate verification sampling frequency for the remaining auditorium seats.
 - (2) For decontaminated auditorium seats that have PCB concentrations exceeding the decontamination standard, the City may conduct additional decontamination to achieve the required decontamination standard or the City must store and dispose of these wastes as TSCA-regulated waste in accordance with 40 CFR Part 761.
 - iii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
- 13. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5), unless otherwise specified below or in this Approval:
 - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.70.

INSPECTION, MONITORING, MODIFICATION AND REVOCATION CONDITIONS

- 14. In the event that the structural concrete walls cannot be decontaminated to ≤ 1 ppm PCBs and the encapsulation option must be used, within 30 days of implementing this option, the City shall submit for EPA's review a worker training plan for maintenance workers or for any person that will be conducting work that could impact the physical barriers (i.e., new "false" walls) encapsulating the PCB-contaminated *porous surfaces*.

15. Any modification(s) in the plan, specifications, or information submitted by the City, contained in the Notification, and forming the basis upon which this Approval has been issued, must receive prior written approval from the EPA. The City shall inform the EPA of any modification, in writing, at least ten (10) days prior to such change. No action may be taken to implement any such modification unless the EPA has approved of the modification, in writing. The EPA may request additional information in order to determine whether to approve the modification.

Please be aware that in the event the City proposes any changes to its encapsulation plan for PCB-contaminated wall surfaces (i.e., encapsulation with paint and a new "false" wall), submission of a long-term monitoring and maintenance plan may be required.

16. Approval for these activities may be revoked, modified or otherwise altered if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations, or if EPA finds that these activities present an unreasonable risk to public health or the environment. The City may apply for appropriate modifications in the event new rules, standards, or guidance comes into effect.
17. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
18. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
19. The City shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.

DEED RESTRICTION AND USE CONDITIONS

20. In the event that the structural concrete walls cannot be decontaminated to ≤ 1 ppm and the encapsulation option must be used, within sixty (60) days of completing the activities described in the Notification and authorized in the Approval, the City shall submit for EPA review and approval, a draft deed restriction for the Site. The deed restriction shall include: a description of the extent and levels of contamination at the Site following abatement; a description of the actions taken at the Site; and a description of the use restrictions for the Site.

21. Within fourteen (14) days of receipt of EPA's approval of the draft deed restriction, the City shall record the deed restriction and shall submit a copy of the recorded deed restriction to EPA. A copy of this Approval shall be attached to the deed restriction.

RECORDKEEPING AND REPORTING CONDITIONS

22. The City shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the decontamination and the analytical sampling shall be established and maintained by the City in one centralized location until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection by authorized representatives of EPA.
23. The City shall submit a final report (both a hard copy and electronic copy) to EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the remedial activities; characterization and confirmation sampling analytical results (if applicable); copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests; and copies of certificates of disposal or similar certifications issued by the disposer.
24. Required submittals, including notifications and certifications, shall be mailed to:
- Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
25. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self disclosure or penalty policies.

END OF ATTACHMENT 1